IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 15.9.2006

Nirmal Singh and another

...Appellants

versus

Balwant Singh

... Respondent

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.N.S.Pawar, Advocate,
for the appellants.

UMA NATH SINGH, J. (ORAL)

Filing of this FAO by the owner and driver of the vehicle is barred by inordinate delay of 239 days. The Tribunal has awarded only a sum of Rs.1,20,000/- in an injury case where the victim-claimant has suffered amputation of his left leg. On merits, learned counsel submitted that there is a dearth of evidence to establish the negligence and to prove the income and also the injury suffered by the claimant in the accident.

We are not impressed by the submissions of learned counsel for the reason that the claimant has suffered amputation of his left leg, duly supported by medical record, which is so obvious that no further evidence is required to be led. That apart, the explanation given for inordinate delay also does not show sufficient cause for condoning the delay. Moreover, it appears from the award that the driver of the offending vehicle did not appear to deny the allegation of rash and negligent driving. Besides,

admittedly, an FIR has been lodged against the driver.

Accordingly, the FAO is dismissed on the ground of delay as well as on merits.

(UMA NATH SINGH)
JUDGE

September 15, 2006 **(MAHESH GROVER)**
pk **JUDGE**